

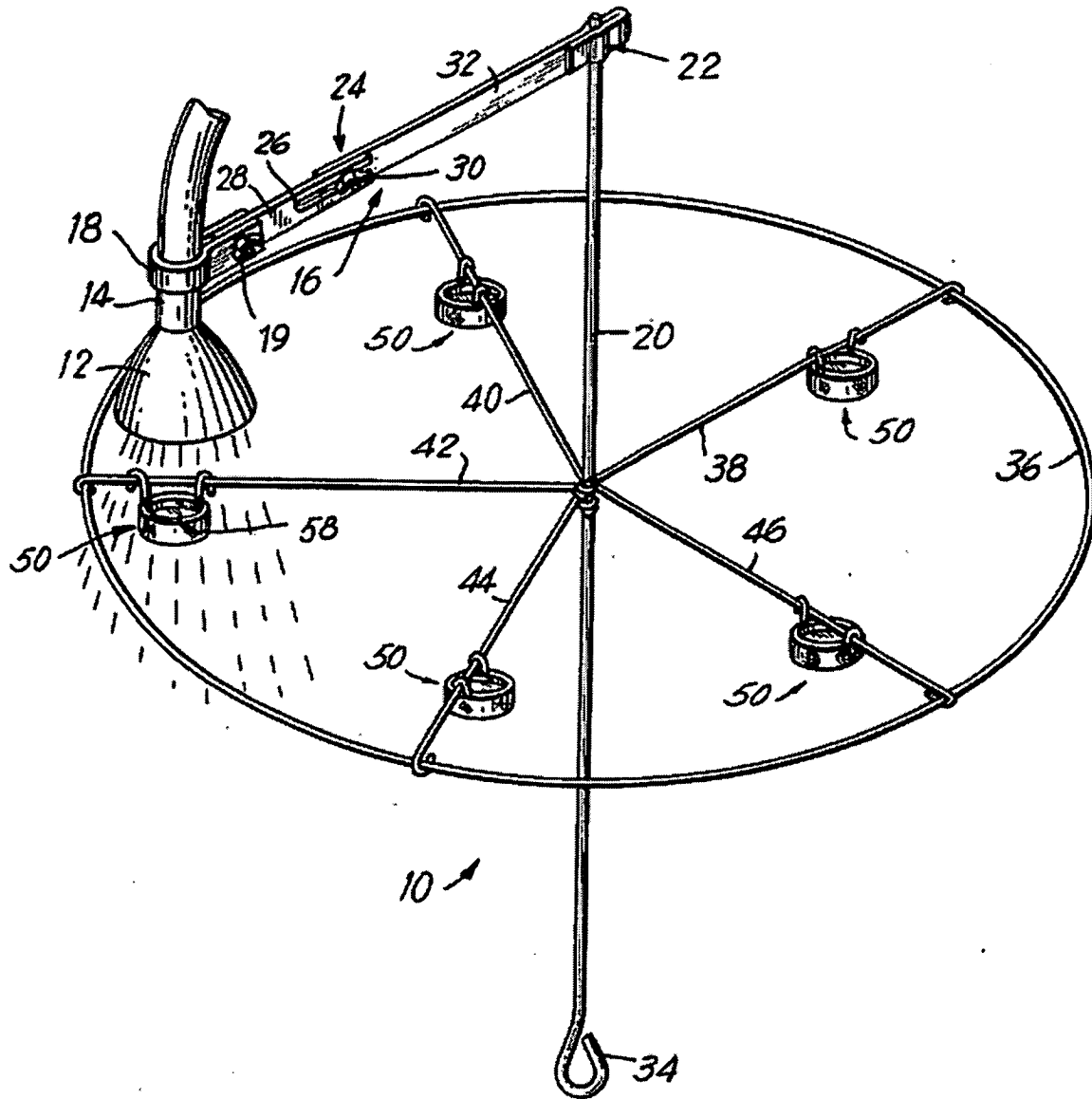
REMARKS

By this amendment claims 47 and 48 are amended and claims 51 and 52 are added as new claims.

Migliozzi Does Not Anticipate Claims 47 and 48 Under 35 U.S.C. § 102

The Examiner has rejected claims 47 and 48 as being anticipated by U.S. Patent No. 4,081,139 to Migliozi ("Migliozi"). Applicants' respectfully disagree with this assertion, but have amended the claims to further distinguish them from the Migliozi reference. Applicants' reserve the right to pursue claims commensurate in scope with the true nature of the invention.

Figure 1 from the Migliozi patent is reproduced below.



Migliozi describes a central support shaft (20) that is rotatably supported by a mounting bracket piece (32) that is clamped to a shower head. A circular support body (36) is fixedly mounted on the central support shaft (20), with a number of spokes (38 to 46) extending radially outwards from the center thereof. A basket (50) containing soap is hung on each spoke. The

baskets are moveable into and out of a stream of water by manipulation of a handle (34), located at the lower extremity of the central support shaft (20) that rotates the support shaft relative to the mounting bracket (32). The support body (36), including spokes with baskets hanging therefrom, is fixed to the longitudinal axis of the support shaft (20) so that rotation of the handle (34) causes the baskets to move.

Migliozzi does not disclose any embodiments that do not include a handle (34) on the central support shaft (20) for rotating the central support shaft (20) relative to the mounting bracket (32) to move the spokes. If the shaft (20) was fixed relative to the mounting bracket (32) the handle (34) would be rendered inoperable because it could not turn the shaft. Similarly, if the support body (36) or spoke could pivot about the shaft (20), the handle would be ineffective because rotation of the handle would not result in effective movement of the support body (36) or spoke. Migliozzi is therefore limited to embodiments where the shaft (20) moves relative to the mounting bracket (32) and the support body (36) does not move relative to the shaft (20).

Near the end of paragraph 7 of the Office Action, the Examiner stated that “the spoke has the ability to pivot about shaft 20 because of the similar construction as connection 22.” The description of the creation of a bearing means 22 in the mounting bracket by doubling over the stock as compared to the description of the “wrapping” of the spokes around the shaft does not support the conclusion that the spokes may be pivotably attached to the shaft. In fact, this cannot be the case because if the spoke is not fixedly attached to the shaft 20, rotation of the handle 34 will not move the spoke and its related basket relative to the water stream. Therefore Migliozzi only discloses embodiments where the shaft (20) rotates relative to the mounting bracket (32) and further where the shaft (20) is fixedly attached to the support body (36) including the spokes.

Claims 47 and 48 as amended require an attachment means for attaching a body to a tap comprising an L-shaped member with an arm having an inner end and an outer end. The arm is provided with a clamp for engaging a tap and a shank integrally formed with the arm and extending downward from the arm. The lower end of the shank has a pivotal member that is pivotable relative to the shank and arm. This construction is neither disclosed nor made obvious by Migliozi, which requires a rotatable shaft (20) with a support body (36) fixedly mounted to the shaft (20) in all disclosed embodiments.

Migliozi fails to disclose at least the L-shaped member having a shank integrally formed with an arm and a pivotal member being pivotable relative to the shank and arm required by amended claims 47 and 48. Applicants' respectfully request that this rejection be withdrawn and the claims allowed.

Migliozi and Bishop Do Not Make Obvious Claims 47 and 48 Under 35 U.S.C. § 103

The Office Action rejects claims 47 and 48 as unpatentable over Migliozi in view of U.S. Patent No. 855,428 to Bishop ("Bishop"). Applicants' incorporate herein the previous discussion regarding the deficiencies of the Migliozi reference as compared to amended claims 47 and 48. The combination of Migliozi and Bishop fail to disclose or make obvious at least the L-shaped member with a shank integrally formed with an arm and a pivotal member being pivotable relative to the shank and arm required by amended claims 47 and 48. Applicants' therefore request that this rejection also be withdrawn.

Claims 49 and 50 Are Allowable as Depending from Allowable Claims 47 and 48.

The Office Action rejects claims 49 and 50 as being unpatentable over Migliozi in view of U.S. Patent No. 2,647,797 to Moss ("Moss") and alternatively over Migliozi in view of Bishop and Moss. Applicants' incorporate herein the previous discussion regarding the

deficiencies of the Miglioizzi reference as compared to claims 47 and 48. Claims 49 and 50 depend from and include all of the limitations of claims 47 and 48 respectively. Neither Moss nor Bishop, alone or in combination, disclose or make obvious the elements of claims 47 and 48 not disclosed or made obvious by the Miglioizzi reference.

Applicant respectfully submits that claims 47 and 48 are now in condition for allowance. Because the remaining claims depend directly from these claims and include all of the limitations of the independent claims, these claims are also in condition for allowance. It is noted that Applicant has amended the above-identified claims solely to advance prosecution of the instant application and to obtain allowance on allowable claims at the earliest possible date. Accordingly, no admission may be inferred from the amendments of claims herein. Applicant expressly reserves the right to pursue the originally filed claims in the future.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Frank P. Piskolich  
Registration No. 52,123

Customer No. 22859  
Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425 USA  
Telephone: (612) 492-7000  
Facsimile: (612) 492-7077

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Melissa L. Dahmen

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